

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 07, 2015

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RICKY PATU,

Plaintiff,

v.

C/O CUNNINGHAM,

Defendant.

NO: 2:15-cv-00181-SMJ

ORDER DENYING *IN FORMA*
PAUPERIS STATUS AND
DISMISSING ACTION

By Order filed September 1, 2015, the Court directed Plaintiff, a *pro se* prisoner at the Monroe Correctional Complex-Special Offenders Unit, to show cause why he should not be precluded from proceeding *in forma pauperis* under 28 U.S.C § 1915(g) , ECF No. 5. In the alternative Plaintiff was invited to pay the \$400.00 fee to commence this action under 28 U.S.C. § 1914(a). Plaintiff did not respond and has filed nothing further in this action.

Plaintiff's assertion in this Complaint that Defendant Cunningham, a correctional officer at the Washington State Penitentiary in the Eastern District of Washington, failed to notify medical when Plaintiff complained of feeling sick on

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ACTION -- 1

1 an unspecified date is insufficient to show that Plaintiff was “under imminent
2 danger of serious physical injury” when he lodged his complaint from the Monroe
3 Correctional Complex in the Western District of Washington on July 16, 2015. 28
4 U.S.C. § 1915(g); *see Andrews v. Cervantes*, 493 F.3d 1047, 1055-56 (9th Cir.
5 2007) (discussing imminent danger exception to three-strikes rule).

6 For the reasons set forth in the Court’s prior Order, **IT IS ORDERED** that
7 Mr. Patu’s application to proceed *in forma pauperis* is **DENIED** and this action is
8 **DISMISSED** without prejudice for failure to comply with the filing fee
9 requirements of 28 U.S.C. § 1914.

10 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
11 Order, enter judgment and forward a copy to Plaintiff.

12 **DATED** this 7th day of October 2015.

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SALVADOR MENDOZA, JR.
15 United States District Judge
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